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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/497,006      | 02/02/2000  | David R. Dempski     | LUC-560             | 6965             |

7590 04/08/2003

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EXAMINER

KANG, PAUL H

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2142

DATE MAILED: 04/08/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/497,006

Applicant(s)

DEMPSKI, DAVID R.

Examiner

Paul H Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 1 recites the limitation "the duration" in line 2. There is insufficient antecedent basis for this limitation in the claim. In order to advance prosecution of this patent application, "the duration" will be interpreted as "a duration".

4. Claim 2 recites the limitation "the end user's demographic information" in line 11. There is insufficient antecedent basis for this limitation in the claim. In order to advance prosecution of this patent application, "the end user's demographic information" will be interpreted as "the end user's demographic data".

5. Claim 3 recites the limitation "the subject matter of each web page visited" in line 2. There is insufficient antecedent basis for this limitation in the claim. In order to advance prosecution of this patent application, "the subject matter of each web page visited" will be

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interpreted as “a subject matter of each web page visited”.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haitsuka et al., US Pat. No. 6,366,298 B1, in view of Robinson, US Pat. No. 5,918,014.

8. As to claim 1, Haitsuka teaches a method for using a computer to gather information of an end user's visits to web pages and a duration of each visit (see Haitsuka, Summary and col. 5, line 23 – col. 6, line 3 and col. 6, line 34-45), the method comprising the steps of:

(a) monitoring the web pages the end user visits (see Haitsuka, col. 5, lines 23-43);

(b) recording the duration of each visit monitored in said step (a) (see Haitsuka, col. 2, lines 51-67 and col. 5, line 23 – col. 6, line 61);

(c) saving information recorded in said step (b) in the end user's computer (Haitsuka, col. 5, lines 23-43 and col. 8, line 6 – col. 9, line 62).

However, Haitsuka does not explicitly teach the method comprising the steps of (b) recording the date of each visit monitored in said step (a). In the same field of endeavor, Robinson teaches a system for providing information regarding web page access including the date of last access (see Robinson, col. 1, line 27 – col. 2, line 62 and col. 12, lines 56-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the date of access information, as taught by Robinson, into the web page access monitoring system of Haitsuka, for the purpose of enhancing the accuracy and quality of the monitored user usage data.

9. As to claim 2, Haitsuka-Robinson teach a method according to claim 1, further comprising the steps of:

(d) providing a data processing computer for storing demographic data of the end user (Haitsuka, col. 4, lines 21-43 and col. 5, lines 23-43);

(e) storing the end user's demographic data in the data processing computer (Haitsuka, col. 5, line 23 – col. 6, line 3 and col. 6, line 34-45);

(f) uploading upon selective operation by the end user's computer in one direction from the end user's computer to the data processing computer, the information saved to the end user's computer in said step (c) (see Haitsuka, col. 5, line 23 – col. 6, line 3 and col. 6, line 34-45);

(g) matching the information uploaded in said step (f) with the end user's demographic data (Haitsuka, col. 6, lines 4-61);

(h) collating based on the end user's demographic information, the information resulting from said step (g) (Haitsuka, col. 6, lines 4-61);

(i) storing the information resulting from said step (h) (see Haitsuka, col. 5, line 23 – col. 6, line 3 and col. 6, line 34-45); and

(j) repeating steps (a) to (i) for more than one end user (the system serves multiple users; see Haitsuka, col. 5, line 23 – col. 6, line 3).

10. As to claim 3, Haitsuka-Robinson teach a method according to claim 2, further comprising the step of classifying a subject matter of each web page visited and recording the subject matter in said step (b) (see Haitsuka, col.6, lines 3-53).

11. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haitsuka-Robinson, and further in view of Kunzinger et al., US Pat. No. 6,405,222 B1.

12. As to claim 4, Haitsuka-Robinson teach the invention substantially as claimed. Haitsuka-Robinson teach a method wherein the information saved in said step (c) is encrypted (see Haitsuka, col. 9, lines 53-62). However, Haitsuka-Robinson do not explicitly teach the use of compression techniques.

In the analogous art of distributed networking, Kunzinger teaches method of data compression for use in web based communications (Kunzinger, col. 9, lines 22-46).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the compression methods, as taught by Kunzinger, into the web page access monitoring system of Haitsuka-Robinson for the purpose of increasing data

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transfer efficiency, as well as for decreasing storage overhead.

13. As to claim 5, Haitsuka-Robinson-Kunzinger teach the invention substantially as claimed. Haitsuka-Robinson-Kunzinger teach a method wherein the demographic data comprises the end user's age, sex, and address, among others (see Haitsuka, col. 5, line 59 – col. 6, line 3). However, Haitsuka-Robinson-Kunzinger does not explicitly teach that the demographic data additionally comprises of ethnicity, nationality and physical disability.

Official Notice is taken (MPEP 2144.03) that demographic data such as ethnicity, nationality and physical disability were well known in the art at the time the invention was made. As exemplified by Shuman et al., US Pat. No. 6,161,071, Sutcliffe et al, US Pat. No. 6,249,282 B1, and Sone, US Pat. App. Pub. No. US 2002/0035560 A1, cited as relevant prior art but not relied upon, ethnicity, nationality and physical disability fall within categories of demographic data as was well known and widely accepted in the art. Additionally, these types of personal profiles are within the scope of Haitsuka-Robinson-Kunzinger's teachings (See Haitsuka, col. 5, line 23 – col. 6, line 17).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated demographic data such as ethnicity, nationality and physical disability, as was well known in the art, into web page access monitoring system of Haitsuka-Robinson-Kunzinger for the purpose enhancing the customization and personalization of data reach.

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14. As to claim 6, Haitsuka-Robinson-Kunzinger teach a method wherein the information saved in said step (c) is stored under an end user's user identification code (the user's personal profile, demographic information, as well as captured user interaction with web usage are unique to that user; see Haitsuka, col. 5, line 23 – col. 6, 53).

15. As to claim 7, Haitsuka-Robinson-Kunzinger teach the invention substantially as claimed. However, Haitsuka-Robinson-Kunzinger, as previously applied, do not explicitly teach a method wherein the user identification code is an alpha-numeric character. However, Robinson does teach the use of an alpha-numeric user identification code (see Robinson, col. 9, line 65 – col. 10, line 29 and col. 13, line 65 – col. 14, line 32).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the method of storing information under an alpha-numeric user ID, as taught by Robinson, into the web page access monitoring system of Haitsuka-Robinson-Kunzinger as previously applied, for the purpose of enabling efficient data storage and retrieval.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. The examiner can normally be reached on 9 hour flex. First Friday.

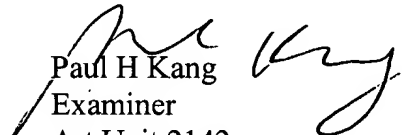
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on (703) 305-9703. The fax phone numbers for the



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organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
Paul H Kang  
Examiner  
Art Unit 2142

March 23, 2003